



# **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

## **REGULAR MEETING December 14, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET**

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### **CALL TO ORDER**

Mayor Helene Schneider called the joint meeting of the Council and Redevelopment Agency to order at 2:00 p.m. (The Finance and Ordinance Committees met at 12:30 p.m.)

### **PLEDGE OF ALLEGIANCE**

Mayor Schneider.

### **ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

### **PUBLIC COMMENT**

Speakers: Gert Walter; David Daniel Diaz; Andrea Roselinsky; Kate Smith; Geoffery Bard, Coalition of Homeless Rights and Environmental Responsibility Advocates.

### **CONSENT CALENDAR (Item Nos. 1 – 18)**

The titles of the ordinances and resolutions related to the Consent Calendar were read.

Motion:

Council/Agency Members House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Adoption Of Ordinance For State Video Franchise Agreement With Cox Communications (510.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Establishing a Franchise Fee, a Fee for Public, Educational, and Government Access Purposes (PEG Fee), and a Schedule of Monetary Penalties for Material Breaches of Video Franchise Standards by State Video Franchise Holders Within the City of Santa Barbara.

Action: Approved the recommendation; Ordinance No. 5540.

2. Subject: Certification Of The Election Results Of The Official Canvass For The Special Municipal Election Of November 2, 2010 (110.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Election Results of the Official Canvass for the Special Municipal Election Held in the City on November 2, 2010.

Action: Approved the recommendation; Resolution No. 10-101 (December 14, 2010, report from the Assistant City Administrator/Administrative Services Director; proposed resolution).

3. Subject: Update Of Conflict Of Interest Code Resolution To Include New And Deleted Positions Subject To Disclosure Requirements (110.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Conflict of Interest Code of the City of Santa Barbara to Incorporate by Reference the Fair Political Practices Commission's Model Code, and Rescinding Resolution No. 08-109, to add or delete classifications subject to disclosure requirements.

Action: Approved the recommendation; Resolution No. 10-102 (December 14, 2010, report from the Assistant City Administrator/Administrative Services Director; proposed resolution).

4. Subject: 2010-2012 Police Management Memorandum Of Understanding (440.02)

Recommendation: That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association for the period of July 1, 2010, through June 30, 2011, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council

(Cont'd)

4. (Cont'd)

of the City of Santa Barbara Adopting the 2010-2012 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Management Association.

Action: Approved the recommendation (December 14, 2010, report from the Assistant City Administrator/Administrative Services Director; proposed ordinance).

5. Subject: Santa Barbara City Firefighters Employee Cost Sharing Of PERS Contributions (430.08)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Authorizing an Amendment to the Contract Between the City Council of the City of Santa Barbara and the Board of Administration of the California Public Employees' Retirement System for Fire Safety Employee Cost Sharing; and
- B. Adopt, by reading of title only, A Resolution of Intention to Approve an Amendment to Contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Santa Barbara.

Action: Approved the recommendations; Resolution No. 10-103 (December 14, 2010, report from the Assistant City Administrator/Administrative Services Director; proposed ordinance and resolution).

6. Subject: November 2010 Investment Report (260.02)

Recommendation: That Council accept the November 2010 Investment Report.

Action: Approved the recommendation (December 14, 2010, report from the Finance Director).

7. Subject: Contract For Construction Of Community Development Block Grant 2010-2011 Access Ramp Project (530.04)

Recommendation: That Council:

- A. Award a contract with Aguilera Brothers Construction, Inc., in their low bid amount of \$42,935 for construction of the Community Development Block Grant (CDBG) 2010-2011 Access Ramp Project (Project), Bid No. 3623; and

(Cont'd)

7. (Cont'd)

- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$6,450 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendations; Contract No. 23,594 (December 14, 2010, report from the Public Works Director).

8. Subject: Contract For Design Of The Lower Mesa Lane Steps Repair/Rehabilitation Project (570.05)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a Professional Services Agreement with Bengal Engineering, Inc. in the amount of \$74,422 for preliminary design services for the Lower Mesa Lane Steps Repair/Rehabilitation Project (Project); and
- B. Authorize the Public Works Director to approve expenditures of up to \$7,442 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 23,595 (December 14, 2010, joint report from the Public Works Director and Parks and Recreation Director).

9. Subject: Lower Mission Creek Construction Cost Sharing Agreement With The County Of Santa Barbara (530.03)

Recommendation: That Council authorize the Public Works Director to execute a Construction Cost Sharing Agreement between the City of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District for construction of the Lower Mission Creek (LMC) Project.

Action: Approved the recommendation; Agreement No. 23,596 (December 14, 2010, report from the Public Works Director).

10. Subject: Library Materials Self-Check And Security System (570.04)

Recommendation: That Council:

- A. Authorize the Library Director to negotiate and execute a contract, in a form of contract acceptable to the City Attorney, with Bibliotheca RFID Library Systems in the amount of \$249,634.75 to design and install a Radio Frequency Identification (RFID) self-check and collection security system;
- B. Appropriate \$88,559.37 from the Miscellaneous Library Trust Account to the Fiscal Year 2011 Library Department General Fund operating budget for the design and implementation of self check-out systems with RFID tags for library collections at the Central and Eastside Libraries; and
- C. Appropriate \$76,575.38 from the County Library Reserve Fund for the same system at the Goleta Valley Branch Library.

Action: Approved the recommendations; Contract No. 23,597 (December 14, 2010, report from the Library Director).

11. Subject: Approval Of Map And Execution Of Agreements For 810 Bond Avenue And 516 N. Nopal Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map (Map) Number 20,791 and standard agreements relating to the approved subdivision at 810 Bond Avenue.

Action: Approved the recommendation; Agreement No. 23,598 (December 14, 2010, report from the Public Works Director).

12. Subject: Redevelopment Agency 2010 Comprehensive Annual Financial Report (620.03)

Recommendation: That Council and the Redevelopment Agency Board:

- A. Approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010, consisting of the Auditor's Opinion and Financial Statements, and the Auditor's Compliance Report; and
- B. Direct staff to submit required copies of the Report to the California State Controller's Office.

Action: Approved the recommendations (December 14, 2010, report from the Assistant City Administrator/Community Development Director/Deputy Director).

13. Subject: Contract For Construction Of The East Cabrillo Boulevard Sidewalk Project, Phase II (530.04)

Recommendation:

- A. That Council reject the apparent low bid from West Coast Public Works, Inc. (West Coast), as non-responsive due to their failure to submit a complete bid;
- B. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$305,836 for the East Cabrillo Boulevard Sidewalk Project, Phase II (Project);
- C. That Council award a contract with Toro Enterprises (Toro) in their low bid amount of \$265,936 for construction of the Project, Bid No. 3613;
- D. That Council authorize the Public Works Director to execute a contract and approve expenditures up to \$39,900 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- E. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements to the East Cabrillo Boulevard Sidewalk Replacement Project, Phase II.

Action: Approved the recommendations; Contract No. 23,599; Resolution No. 10-104 (December 14, 2010, joint report from the Public Works Director and Assistant City Administrator/Community Development Director/Deputy Director).

14. Subject: Contract For Construction Of The Structural Upgrades To Parking Structures 2, 9, And 10 (550.05)

Recommendation:

- A. That Council reject the bid protest submitted by Truesdell Corporation;
- B. That Council award a contract with Cushman Contracting (Cushman), waiving minor irregularities, in their low bid amount of \$1,374,000 for construction of the Project, Bid No. 3571;
- C. That Council authorize the Public Works Director to execute a contract and approve expenditures up to \$206,100 to pay for any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured;
- D. That Council authorize the Public Works Director to execute a contract with BTC LABS - Vertical V (BTC LABS) in the amount of \$122,533 for materials testing and special inspection services, and approve expenditures of up to \$12,254 for extra services of BTC LABS that may result from necessary changes in the scope of work; and

(Cont'd)

14. (Cont'd)

- E. That Council authorize the Public Works Director to execute a contract with Watry Design, Inc. (Watry), in the amount of \$118,152 for design support services during construction and preparation of record drawings, and approve expenditures of up to \$11,816 for extra services of Watry that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,600 - 23,602 (December 14, 2010, joint report from the Assistant City Administrator/Community Development Director/Deputy Director and Public Works Director).

NOTICES

- 15. The City Clerk has on Thursday, December 9, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 16. Cancellation of the regular City Council meetings of December 21, 2010, December 28, 2010, and January 4, 2011.
- 17. Cancellation of the regular Redevelopment Agency meetings of December 21, 2010, and January 4, 2011.
- 18. City Advisory Groups Special Recruitment
  - A. The City Clerk's Office will accept applications through Thursday, January 20, 2011, at 5:30 p.m. to fill vacancies on the newly established Neighborhood Advisory Council, the Fire and Police Commission, and the Rental Housing Mediation Task Force;
  - B. The City Council will conduct interviews of applicants on Tuesday, February 8, 2011, at 4:00 p.m.;
  - C. The City Council Subcommittee will conduct interviews of applicants for vacancies on the Neighborhood Advisory Council on Thursday, February 3, 2011, at 7:00 p.m. at the Franklin Community Center, 1136 East Montecito Street; and
  - D. The City Council will make appointments to fill vacancies on Tuesday, March 1, 2011.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to hear reports on the Comprehensive Annual Financial Reports for the Redevelopment Agency and the City, which were approved by the Council as part of this Agenda's Administrative Reports (Item No. 19).

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Bendy White reported that the Committee met to discuss the hedge ordinance suspension and the various triggers that would require hedges to be brought into conformity. He stated that staff will be bringing recommendations to the full Council early next year.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **FINANCE DEPARTMENT**

19. Subject: Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2010 (250.02)

Recommendation: That Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010; and
- B. Accept the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010.

Documents:

- December 14, 2010, report from the Finance Director.
- December 14, 2010, PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Accounting Manager Rudy Livingston, Finance Director Robert Samario.

Motion:

Councilmembers House/Self to approve the recommendations.

Vote:

Unanimous voice vote.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

Mayor Schneider reported that on Thursday, December 16, 2010, Santa Barbara County Association of Governments will be reviewing funding options for the Cabrillo Bridge Underpass and the Salinas Street/101 Projects.



## **RECESS**

Mayor Schneider recessed the meeting at 3:04 p.m., in order for the Council to reconvene in closed session for Agenda Item Nos. 20 - 25, and stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

### **20. Subject: Conference with Legal Counsel - Pending Litigation (160.03)**

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Laura Thurston v. City of Santa Barbara, et al., SBSC#1306417.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

December 14, 2010, report from the City Attorney.

Time:

3:05 p.m. - 3:15 p.m.

No report made.

### **21. Subject: Conference With Legal Counsel - Pending Litigation (160.03)**

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: John Carrillo v. City of Santa Barbara.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

December 14, 2010, report from the Finance Director.

Time:

3:15 p.m. - 3:20 p.m.

No report made.

22. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

Recommendation: That Council hold a closed session to consider potential litigation pursuant to subsection (c) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

December 14, 2010, report from the City Attorney.

Time:

3:20 p.m. - 3:40 p.m.

No report made.

23. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Treatment and Patrol Bargaining Units and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

December 14, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

3:40 p.m. - 3:45 p.m.

No report made.

Agenda Item Nos. 24 and 25 were taken together in closed session.

24. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is The Green Light Dispensary, Inc., A California Non-Profit Mutual Benefit Corporation, v. City of Santa Barbara, USDC Case No. CV 10-7203 PA (VBKx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

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24. (Cont'd)

Documents:

December 14, 2010, report from the City Attorney.

Time:

3:45 p.m. – 4:20 p.m.

No report made.

25. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Santa Barbara Patients' Collective Health Cooperative v. City of Santa Barbara, et al., USDC Case No. CV 10-6534 DDP(RCx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

December 14, 2010, report from the City Attorney.

Time:

3:45 p.m. - 4:20 p.m.

No report made.

## **MAYOR AND COUNCIL REPORTS**

26. Subject: Resolution Of Appointment To Fill The Vacancy On The City Council Due To The Resignation Of Councilmember Das Williams (120.02)

Recommendation: That Council:

- A. Conduct the recommended process included herein to select a candidate to fill the vacancy resulting from the resignation of Councilmember Das Williams;
- B. Upon selecting a person to fill the Council vacancy, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Appointing a Member to Fill the Office of City Councilmember Das Williams as a Result of Resignation; and
- C. Request the City Clerk to administer the Oath of Office to the person selected to fill the remainder of Councilmember Williams' term, from December 14, 2010, through January 10, 2012.  
(Estimated Time: 4:00 p.m.)

(Cont'd)

26. (Cont'd)

Documents:

December 14, 2010, report from the Assistant City Administrator/Administrative Services Director.

The title of the resolution was read.

Speakers:

- Staff: Assistant City Administrator/Administrative Services Director Marcelo Lopez, City Clerk Services Manager Cynthia Rodriguez, City Administrator James Armstrong.
- Members of the Public: Geoffery Bard.

Motion:

Councilmembers Hotchkiss/Francisco to approve Recommendations B and C, appointing Randy Rowse to serve on the City Council; Resolution No. 10-105.

Vote:

Unanimous roll call vote.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 5:07 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

	ATTEST:	
HELENE SCHNEIDER MAYOR		CYNTHIA M. RODRIGUEZ, CMC CITY CLERK SERVICES MANAGER